

**REMARKS/ARGUMENTS**

The present Amendment is in response to the Office Action having a mailing date of September 28, 2004. Claims 1-35 are pending in the present Application. Applicant has amended claims 1, 2, 6, 13, 17, 18, 23, 30 and 31. Consequently, claims 1-35 remain pending in the present Application.

In the above-identified Office Action, the Examiner indicated that claims 6 and 13 are allowed. Applicant gratefully appreciates the Examiner's indication that claims 6 and 13 are allowed.

Applicant has amended claims 6 and 13 to be in independent form, including the limitations of the base claim and any intervening claim. Accordingly, Applicant respectfully submits that claims 6 and 13 are allowable as presented.

Applicant has amended claim 1 to correct a minor grammatical error. Applicant has amended claim 2 to renumber the steps, harmonizing claim 2 with claim 1. Applicant has amended claims 17, 23, and 30 to more clearly recite that acceptance of the attachment is initiated, but is not completed if the type of attachment does not match the type(s) allowed by the portable digital imaging device. Support for the amendment can be found in the Figure 6, step 204 of the present application. Applicant has also amended claims 18 and 31 to harmonize these claims with claims 17 and 30, respectively. Accordingly, Applicant respectfully submits that no new matter is added.

In the above-identified Office Action, the Examiner rejected claims 2 and 9 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner indicated that steps in claim 2 should be renumbered. The Examiner also indicated that it was not clear how

Applicant respectfully traverses the Examiner's rejection. Applicant has renumbered the steps of claim 2, harmonizing these steps with claim 1. In addition, Applicant notes that claim 1 recites that the server compares the first type of attachment allowed by the digital imaging device to the second type of attachment in the email. Claims 2 and 9 merely indicate how the server receives the (first) type of attachment for comparison. Thus, claims 2 and 9 recite that this type is provided from the portable digital imaging device itself, rather than in another way. Consequently, Applicant respectfully submits that claims 2 and 9 are clear and definite.

The Examiner also rejected claims 1-35 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,937,160 (Davis) in view of U.S. Patent No. 6,275,882 (Cheever).

Applicant respectfully traverses the Examiner's rejection. Claim 1 recites a method for allowing a portable digital imaging device to receive an attachment associated with an email. The method recited in claim 1 includes determining whether the first type of attachment allowed by the digital imaging device is the same as the second type of the attachment of the email prior to sending the attachment to the portable digital imaging device, providing the attachment if the first and second types match and refusing to provide the attachment if the first and second types are not the same. Claims 8, 15, and 16 recite analogous server and computer-readable medium claims.

Thus, using the method, servers, and computer-readable medium recited in claims 1, 8, 15, and 16, only those attachments that can be recognized or used by the portable digital imaging device are sent by a server to the portable digital imaging device. Specification, page 10, lines 16-17. The portable digital imaging device will not consume its resources, such as battery power, unnecessarily. Specification, page 10, lines 17-19. Further, the user's time is not consumed unnecessarily. Specification, page 10, lines 19-22. In addition, unnecessary traffic generated by

including attachments that cannot be read by the receiving portable digital imaging device may be reduced.

Davis in view of Cheever fail to teach or suggest a method, server, or computer readable medium in which the attachment type(s) of the portable digital imaging device (recipient) are compared to the attachment type(s) of the email before being sent. Davis in view of Cheever further fails to teach or suggest a method or system in which the attachments are not provided to the digital imaging device if the attachment type(s) do not match the type(s) allowed by the portable digital imaging device.

Applicant agrees that the cited portion of Davis teaches “when uploading the attachments to email messages [sent to the server]. . . only files of a predetermined type . . . are accepted by the server.” Davis, col. 4, lines 9-13. Consequently, the server of Davis is the recipient of email messages sent by another entity. Davis, col. 66-col. 3, line 2. The server accepts only allowed attachments to these email messages. Davis, col. 4, lines 9-13. Thus, the server of Davis apparently accepts or rejects attachments *after* the email message has been sent to the server. In addition, Applicant has found no indication in Davis that the server performs this function for messages other than those email messages sent to the server. Instead, the server of Davis apparently only performs these functions for email messages sent to the server. Thus, Davis teaches that the server accepts or rejects attachments to email messages in which the server itself is a recipient after the email messages are sent to the server.

Davis fails to teach or suggest the method, server, and computer-readable medium recited in claims 1, 8, 15, and 17. The teachings of Davis have to do with the server accepting or rejecting attachments to email messages in which the server is a recipient after the email messages are sent to the server. These teachings are distinct from determining whether the attachment to the email

messages is allowed by an entity (a portable digital imaging device) before transmitting the attachment to the entity and transmitting the attachment to the entity only if the type of the attachment is the same as that accepted by the other entity. Stated differently, Davis fails to teach or suggest determining whether the first type of attachment allowed by an entity (the digital imaging device) is the same as the second type of the attachment of the email *prior* to sending the attachment to the entity. A server *accepting* only certain attachments to email messages sent to the server fails to teach or suggest providing an attachment *to* an entity (the digital imaging device) only if the first and second types match. Similarly, a server *accepting* only those attachments in email messages sent to the server that the server allows neither teaches nor suggests refusing to *provide* the attachment to the portable digital imaging device if the first and second types are not the same.

Further evidence that Davis does not teach or suggest the features of determining, providing and refusing recited in claims 1, 8, 15, and 16 can be found in the flowcharts illustrated in FIGS. 9A and 10 of Davis, and the associated text. For example, FIG. 9A shows that an email is first received at Davis' server in step 202. FIG. 10 then shows that the already received email message is not even examined for an attachment, much less the attachment "accepted" by Davis' server, until step 310, which must occur after the email is received at the server.

Thus, in Davis' arrangement, email attachments are provided to the server regardless of their type in contrast to the requirements of claims 1, 8, 15, and 16 that they be provided if the first type is same as the second type. Moreover, nowhere does Davis teach or suggest that their client devices refuse to provide an attachment to their server based on the type of attachment. Davis, therefore, fails to teach or suggest these features. Consequently, Davis fails to teach or suggest the method, server, and computer-readable medium recited in claims 1, 8, 15, and 16.

The addition of Cheever to the teachings of Davis fails to alter this conclusion. The Examiner has cited Cheever as teaching a portable digital imaging device. The cited portions of Cheever merely discuss using a digital imaging device for email. Applicant has failed to find mention in the cited portions of Cheever of comparing the attachment type to a type allowed by the intended recipient (the portable digital imaging device) *prior* to sending the message to the recipient. Similarly, Applicant has found no mention in Cheever of providing the attachment to the digital imaging device only if the first type of attachment allowed by the digital imaging device and second type of the email attachment match. Applicant has also found no mention in Cheever of refusing to provide the attachment to the portable digital imaging device if the first and second types are not the same.

Thus, if the teachings of Cheever are added to those of Davis, the email sent to the server might be provided from a portable digital imaging device. However, the functions of the server would not be altered. Thus, the server of the combination of Davis and Cheever would still only determine if the attachment type is allowed after the message has been sent to the recipient (the server) and would merely accept or deny the attachment. Consequently, the combination of Davis and Cheever would still fail to teach or suggest comparing the attachment type to a type allowed by the intended recipient (the portable digital imaging device) *prior* to sending the message to the recipient, providing the attachment *to* the digital imaging device only if the first type of attachment allowed by the digital imaging device and second type of the email attachment match, and refusing to provide the attachment to the portable digital imaging device if the first and second types are not the same. Consequently, Davis in view of Cheever fails to teach or suggest the method, servers, and computer-readable medium recited in claims 1, 8, 15, and 16.

Accordingly, Applicant respectfully submits that claims 1, 8, 15, and 16 are allowable over the cited references.

Claims 2-7 and claims 9-14 depend upon independent claims 1 and 8, respectively.

Consequently, the arguments herein apply with full force to claims 2-7 and 9-14. Accordingly, Applicant respectfully submits that claims 2-7 and 9-14 are allowable over the cited references.

Claim 17 recites a method for allowing a portable digital imaging to receive an attachment associated with an email message. The portable digital imaging device commences receipt of the attachment, utilizes the email message to determine whether the second type of the attachment associated with the email message is the same as a first type of attachment allowed by the portable digital imaging device prior to acceptance of the email message being completed. If the types match, then the acceptance of the attachment is completed. Otherwise, receipt of the attachment is terminated. Claims 23 and 30 recite an analogous portable digital imaging device and computer-readable medium.

As described above, the cited portion of Davis describes a server that accepts attachments to email messages sent to the server only if the attachments have a predetermined type. The cited portion of Cheever indicates that portable digital imaging devices can send and receive email. Consequently, Applicant respectfully submits that if the teachings of Cheever were added to those of Davis, the combination would allow such email messages to be sent from a portable digital imaging device to a server. It is the server of the combination that would still accept or reject attachments. Consequently, the combination would still fail to teach or suggest any mechanism for a portable digital imaging device to terminate acceptance of attachments based upon the type of the attachment. The combination would, therefore, still fail to teach or suggest

the method, portable digital imaging device, and computer-readable medium recited in claims 17, 23, and 30.

Even if Applicant accepts *arguendo* (which Applicant does not) that the combination of Davis and Cheever would employ the mechanism Davis uses for a server accepting or rejecting attachments on a portable digital imaging device, the combination would still fail to teach or suggest the method, portable digital imaging devices, and computer-readable medium of claims 17, 23, and 30. The cited portion of Davis merely indicates that attachments may not be accepted if they are not of a type allowed by a server. The cited portion of Cheever teaches that a portable digital imaging device can send and receive email. Consequently, it may at most be argued that the combination of Davis in view of Cheever *accepts* attachments only if the attachment is of a type accepted by the portable digital imaging device. However, such a combination does not reach the claimed invention by teaching or suggesting that acceptance of the attachment would be commenced, and then terminated if the attachment to the email does not have a type allowed by the portable digital imaging device. Consequently, Davis in view of Cheever fails to teach or suggest the method, portable digital imaging device, and computer-readable medium recited in claims 17, 23, and 30.

Claims 18-22, 24-29, and 31-35 depend upon independent claims 17, 23, and 30, respectively. Consequently, the arguments herein apply with full force to claims 18-22, 24-29, and 31-35. Accordingly, Applicant respectfully submits that claims 18-22, 24-29, and 31-35 are allowable over the cited references.

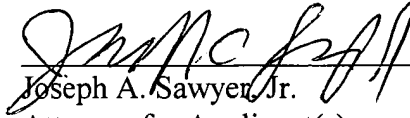
Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

SAWYER LAW GROUP LLP

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Date

  
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